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EXAMINER

IRSHADULLAH, M

ART UNIT

PAPER NUMBER

2163

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Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.  
09/721,141

Applicant(s)  
Neelmadhaba

Examiner  
M. Irshadullah

Art Unit  
2163



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Sep 24, 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 26-35 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
- 18) ☒ Interview Summary (PTO-413) Paper No(s). 6
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☒ Other: PP 46, 39 & 24: Webster, IEEE, Microsoft Dictionaries

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### DETAILED ACTION

1. This communication is in response to amendments filed September 24, 2001.

#### *Summary Of Instant Office Action*

2. Applicant's arguments concerning claims 26, 29, and 30-34 rejections, para 7, and claims 27, 28 and 35 rejections, para 9, Paper No. 3, Office Action, mailed June 19, 2001 have been considered, deemed unpersuasive and the rejections are maintained.

3. Amendments to Claims 26, 29 and 30 have been entered. Also, words ( Twice Amended ) for claim 26 and ( Once Amended ) for claim 29 have been amended by the Examiner to read as ( Once Amended ) for claim 26 and ( Twice Amended ) for claim 29 as agreed and authorized by the Attorney, Scott Petty, during telephonic conversation on December 20, 2001.

4. Page 19: Table 1 has been entered and replaced.

#### *Specification*

5. Para 5, element b) of the forementioned Office Action, be read as Page 27: line 23: " the Group 4 assignments. ", should read "the Group 3 assignments.". Similarly, line 24: "the Group 3", should be "the Group 4".

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Appropriate corrections as mentioned above and others throughout the specification are appreciably required for the benefit of the Patent Community.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

**The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.**

7. Claims 26-35 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Independent claims 26, element/step b), 29, element/step b) and 30, element/step f) recite “comprising one of an inanimated and animated object .....” are neither supported, nor are consistent with Page 17, lines 27-30 recitations as mentioned by the respected Attorney, Scott Petty during telephonic conversation on December 20, 2001.

In the light of foregoing, recitations of “inanimated and animated” are deemed as new subject matter. Please see attached page 46, Merriam Webster's Collegiate Dictionary, Tenth

Addition; page 39, IEEE 100, The Authoritative Dictionary Of IEEE Standards Terms, Seventh Edition, and page 24, Microsoft Press Computer Dictionary, Third Edition.

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Claims 26, 29 and 30 are rejected under 35 U.S.C. 112, first paragraph, and dependent claims are rejected in view of their dependencies from respective independent claims.

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

*The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.*

9. While applicant may be his or her own lexicographer, a term in a claim may not be given a meaning repugnant to the usual meaning of that term. See *In re Hill*, 161 F.2d 367, 73 USPQ 482 (CCPA 1947). The terms "inanimated and animated" in claims 26, 29 and 30 are used by the claims to mean "nonhuman and human", while the accepted meaning is "as per attached pages from three Dictionaries mentioned above".

Claims 26, 29 and 30 are rejected under 35 U.S.C. 112, second paragraph, and dependent claims are rejected in view of their dependencies from respective independent claims.

### ***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

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11. Claims 26, 29, 30-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Hughes et al ( US Patent 5,893,074).

Hughes et al disclose:

**Claim 26.** (Once Amended) A method for generating a plurality of individually schedulable assignments for a task, based upon task constraints associated with said task, said task constraints identifying N resources assigned to said task where N is a positive integer, and a required work-amount corresponding to each of said N resources [ Title, Abstract, lines 1-2, col 3, lines 29, 40-43 ], said program performing the steps comprising:

a) dividing said task into N assignments, said task comprising an amount of work, each assignment comprising a portion of the work that corresponds with an individual resource [ Abstract, lines 6-8, col 2, lines 10-11, col 4, lines 30-31, Fig. 1 ( 10, 14a-d, 15a-d ), col 5, lines 9-11, col 6, lines 19, 20, 21 and 22 recited with col 3, lines 29, 40-43, 22-25 (specifically line 25). Applicant will appreciate that "work" would encompass "project", "tasks" or both ];

b) associating each of said N assignments with one of said N resources, each resource comprising one of an inanimate and animate object capable of performing an assignment [ Col 6, lines 19, 20, 21, 22, fig. 1 ( 10, 14a-d, 15a-d ), col 2, lines 3-7, 26-30, col 3, lines 22-25, 36-37, 40-45 read with col 1, lines 42-47. Applicant will appreciate that customarily/practically all personnel and equipment/machines/computers, area/space ( human and nonhuman resources ) would be included/assigned in/to the project only for their qualification/capability to performing the job/work/project/task/assignment ];

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c) for each assignment, identifying the task, corresponding individual resource, and one of the portion of work corresponding to a respective resource and a duration of the assignment [ Fig. 1 ( 15a-d ), col 2, line 35, col 6, line 17 and Fig. 1 ( 14a-d ), col 5, lines 11-12, 46-50, 63-64, col 3, lines 29, 40-43, col 4, line 61 through col 5, line 2, and col 11, lines 44-47 ]; and

d) generating a list comprising the N assignments [ Abstract, lines 16-18, col 10, lines 15-17 and 7-10. Applicant will appreciate that "product" enshrines project(s), larger tasks ( 14a-d, Fig. 1 ), smaller tasks/assignments ( 15a-d, Fig. 1 ) or all of them ].

**Claim 29.** (Twice Amended) A computer-readable medium on which is stored a computer program for generating a plurality of schedulable assignments for a task [ Fig. 5 described col 11, lines 9-32 ( specifically lines 17-19 ), Title, Abstract, lines 1-2, col 3, lines 29, 40-43 ], [comprising] comprising the steps of:

a) receiving a task description for said task, said task description identifying N resources assigned to said task where N is a positive integer, said task comprising an amount of work, a required work-amount corresponding to each of said N resources, and one or more scheduling constraints for said task [ Col 2, lines 17-19, col 5, lines 30-32 recited with col 5, lines 10-13; 46-50, col 11, lines 44-47 ];

b) dividing said task into N assignments, each of said N assignments identifying one of said N resources, each assignment comprising a portion of the work that corresponds with an individual resource, each resource comprising one of an inanimate and animate object capable of

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performing an assignment [ Abstract, lines 6-8, col 2, lines 10-11, col 4, lines 30-31, Fig. 1 ( 10, 14a-d, 15a-d ), col 5, lines 9-11, col 6, lines 19, 20, 21 and 22 recited with col 3, lines 29, 40-43, 22-25 (specifically line 25). Applicant will appreciate that “work” would encompass “project”, “tasks” or both, col 2, lines 3-7, 26-30, col 3, lines 22-25, 36-37, 40-45 recited with col 1, lines 42-47 and explanation in applicant’s claim 26b above ];

c) for each assignment, identifying the task, corresponding individual resource, and one of the portion of work corresponding to a respective resource and a duration of the assignment [ Fig. 1 ( 15a-d ), col 2, line 35, col 6, line 17 and Fig. 1 ( 14a-d ), col 5, lines 11-12, 46-50, 63-64, col 3, lines 29, 40-43, col 4, line 61 through col 5, line 2, and col 11, lines 44-47 ];

d) associating each of said N assignments- with said scheduling constraints for said task. [ Col 6, lines 19, 20, 21, 22, Fig. 1 ( 10, 14a-d, 15a-d ) ]; and

e) generating a list comprising the N assignments [ Abstract, lines 16-18; col 10, lines 15-17 and 7-10. Applicant will appreciate that “product” enshrines project(s), larger tasks ( 14a-d, Fig. 1 ), smaller tasks/assignments ( 15a-d, Fig. 1 ) or all of them ];

**Claim 30.** A computer system for generating assignments for a task, comprising:

- a) a processing unit [ Fig 1 ( 20 ) ];
- b) a memory storage device [ Fig. 1 ( 18 ) ];
- c) a program module, stored in the memory storage device for providing instructions to the processing unit [ Fig. 1, col 5, lines 16-26 ( specifically lines 24-26 ) ];



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d) the processing unit, responsive to the instructions of the program module [ Fig. 1 ( 20 ), col 5, lines 4-6, 16-32 ], operative to:

e) receive a task description for the task, the task description identifying  $N$  resources assigned to the task where  $N$  is a positive integer, said task comprising an amount of work [ Col 2, lines 17-19, col 5, lines 30-32 recited with col 5, lines 10-13, 46-50, col 11, lines 44-47 ];

f) divide the task into  $N$  assignments, each of the  $N$  assignments identifying one of the  $N$  resources, each assignment comprising a portion of the work that corresponds with an individual resource, each resource comprising one of an inanimate and animate object capable of performing an assignment [ Abstract, lines 6-8, col 2, lines 10-11, col 4, lines 30-31, Fig. 1 ( 10, 14a-d, 15a-d ), col 5, lines 9-11, col 6, lines 19, 20, 21 and 22 recited with col 3, lines 29, 40-43, 22-25 (specifically line 25). Applicant will appreciate that "work" would encompass "project", "tasks" or both, col 2, lines 3-7, 26-30, col 3, lines 22-25, 36-37, 40-45 recited with col 1, lines 42-47 and explanation in applicant's claim 26b above ];

g) for each assignment, identify the task, corresponding individual resource, and one of the portion of work corresponding to a respective resource and a duration of the assignment [ Fig. 1 ( 15a-d ), col 2, line 35, col 6, line 17 and Fig. 1 ( 14a-d ), col 5, lines 11-12, 46-50, 63-64, col 3, lines 29, 40-43, col 4, line 61 through col 5, line 2, and col 11, lines 44-47 ];

h) associate each of said  $N$  assignments with said scheduling constraints for said task [ Col 6, lines 19, 20, 21, 22, Fig. 1 ( 10, 14a-d, 15a-d )]; and

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I) generate a list comprising the N assignments [ Abstract, lines 16-18, col 10, lines 15-17 and 7-10. Applicant will appreciate that "product" enshrines project(s), larger tasks ( 14a-d, Fig. 1 ), smaller tasks/assignments ( 15a-d, Fig. 1 ) or all of them ].

**Claim 31.** The computer system of Claim 30, wherein the processing unit is further operative to set a work-amount for each of the N assignments to the total amount of required work divided by N [ Inherently/notorious known, since breaking a project/task into an equal number of components/tasks/assignments one has to divide by a number, say N ].

**Claim 32.** The computer system of Claim 30, wherein the task description includes an assignment limit for at least one of the N resources, and the processing unit is further operative to set a work amount for each of the N assignments in accordance with the assignment limits and in a manner that the summation of all of the work-amounts is equal to the total amount of required work [Col 2, lines 5-25, claim 8 read with col 13, lines 1-11 (specifically lines 1-4; 5-8)].

**Claim 33.** The computer system of Claim 30, wherein the task description includes one or more scheduling constraints for the task, and the processing unit is further operative set a work-amount for each of the N assignments as a function of the scheduling constraints and in a

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5 manner that the summation of all of the work-amounts is equal to the total amount of required work [ Col 11, lines 40-44 ( specifically lines 43-44 ), lines 44-47, claim 8 recited with col 13, lines 1-11 ( specifically lines 1-4, 5- 8 ) ].

**Claim 34.** The computer system of Claim 30, wherein the task description includes one or more scheduling constraints for the task, and the processing unit is further operative to associate each of the N assignments with the scheduling constraints [ Col 11, lines 40-44 ( specifically lines 43-44 ), lines 44-47, col 6, lines 19, 20, 21 and 22 read with col 5, lines 9-13 and 46-50 ].

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 27, 28 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes et al ( US Patent 5,893,074 ) in view of Deziel, Jr. et al ( US Patent 5,406,476 ).

In the following claim Hughes et al do not explicitly show the recited features:

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**Claim 27.** The method of Claim 26, wherein said task constraints identify one or more scheduling constraints and further comprising the step of associating each of said N assignments with said scheduling constraints.

However, Deziel et al teach the same [ Title, Abstract, lines 3-7, col 1, lines 12-15, Figs. 3a and 3c described col 9, lines 46-68 continue col 10, lines 1-28 and 29-43 ].

It would have been obvious to one of ordinary skill in the project/task/assignment scheduling to incorporate Deziel et al's features into Hughes et al's invention, because it would provide an efficient method for scheduling resources amongst the various activities in light of the attendant resource and activity constraints.

**Claim 28.** The method of Claim 26, wherein said task constraints identify one or more scheduling constraints and further comprising the step of associating each of said N assignments with said task being divided [ Deziel et al: Title, Abstract, lines 3-7, col 1, lines 12-15, Figs. 3a and 3c described col 9, lines 46-68 continue col 10, lines 1-28 and 29-43 and Hughes et al: Fig. 1 ( 10, 15a-d, 14a-d ) ].

**Claim 35.** The computer system of Claim 30; wherein the task description includes one or more scheduling constraints for the task [ Hughes et al: Col 11, lines 40-44 (specifically, lines 43-44), lines 44-47 ], and the processing unit [ Fig. 1 ( 20 ) ] is further operative to:

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associate each of the N assignments with the scheduling constraints [ Hughes et al: Col 6, lines 19, 20, 21 and 22 and col 11, lines 44-47 ]; and

assign a priority to each of the assignments as a function of the scheduling constraints [ Deziel et al: Abstract, line 6, col 8, lines 39-44 ].

#### ***Response to Arguments***

14. Applicant's arguments filed September 24, 2001 have been fully considered and same are moot, since the arguments being in respect of amended claims which are examined and prosecuted above in the instant Office Action.

#### ***Conclusion***

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,


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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Irshadullah whose telephone number is (703) 308-6683. The examiner can normally be reached, M-F from 11:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (703) 305-9643. The fax numbers for the organization are (703) 305-0040/308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-3900.

  
M. Irshadullah

December 21, 2001

  
Kyle Choi  
Patent Examiner  
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